

every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be imprisoned in the penitentiary for a term of not more than ten years or less than three years, and be fined not more than five thousand or less than one thousand dollars; but no such factor or agent shall be liable to any prosecution for depositing or pledging any such goods or merchandise, or any of the said documents, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which, at the time of such deposit or pledge, was justly due and owing to such factor or agent from his principal, together with the amount of any bill or bills of exchange drawn by or on account of such principal, and accepted by such factor or agent.

1867, ch. 386, sec. 5.

96. Nothing in the three preceding sections contained, nor any proceeding, conviction or judgment to be had or taken thereupon against any banker, broker, merchant, factor, attorney or other agent as aforesaid, shall prevent, lessen or impair any remedy at law or in equity, which any party aggrieved by any such offence might or would have had if the said three sections had not been passed; but nevertheless the conviction of any such offender shall not be received in evidence in any action at law or suit in equity against him; and no banker, broker, merchant, factor, attorney or other agent as aforesaid, shall be liable to be convicted by any evidence whatever as an offender against these sections in respect of any act done by him, if he shall at any time previous to his being indicted for such offence have disclosed such act on oath in consequence of any compulsory process of any court of law or equity in any action, suit or proceeding which shall have been *bona fide* instituted by any party aggrieved.

Fraud—Corporate Misrepresentation.

1878, ch. 170.

97. Any officer or agent whatsoever of any corporation who shall fraudulently sign, or in any other manner assent to any statement or publication, either for the public or the shareholders thereof, containing untruthful representations of its affairs, assets,